FILED
AUG 3 1998
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 98-32

In The

Supreme Court of the United States

October Term, 1997

IN RE GEORGE POPA,

Debtor.

JOHN ROUMELIOTIS,

Petitioner,

vs.

GEORGE POPA,

Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals of the First Circuit

RESPONDENT'S BRIEF IN OPPOSITION

JAMES R. DeGIACOMO
Counsel of Record
MARK G. DeGIACOMO
JACQUELINE F. WALSH
Roche, Carens & DeGiacomo, P.C.
99 High Street
Boston, MA 02110
(617) 451-9300
Counsel for the Respondent

6 pp

PARTIES TO THE PROCEEDING

The parties to the proceeding in the First Circuit were:

Petitioner: John Roumeliotis

Respondent: George Popa

There are no other parties involved and these are the same parties who were involved in the proceedings below.

STATEMENT OF THE CASE

The material facts are accurately set forth in the opinion of the First Circuit Court of Appeals in *Roumeliotis v. Popa*, 140 F.3rd 317 (1st Cir. 1998), printed in Petitioner's Appendix at 4a to 5a. There is no reason for repeating or reprinting the facts in this Brief in Opposition.

REASONS FOR DENYING THE WRIT

The Petition should be denied because there are no compelling reasons for granting the Petition as defined in Supreme Court Rule 10. The decision of the First Circuit Court of Appeals is not in conflict with the decision of other United States court of appeals on the same important matter nor has the First Circuit decided an important federal question in a way that conflicts with a decision by a state court of last resort.[1]

---

1 The Petitioner fails to show that the First Circuit's decision is in conflict with other decisions rendered by other United States courts of appeals or decisions of state courts of last resort. Petitioner merely cites several bankruptcy court decisions and two appellate decisions from the Sixth and Seventh Circuit that were decided prior to this Court's decision in *Kawaauhau*.

The First Circuit Court of Appeals correctly applied this Court's decision in *Kawaauhau v. Geiger*, ___ U.S. ___, 118 S.Ct. 974, ___ L.E.2d ___ (1998); holding that debts arising from recklessly or negligently inflicted injuries do not fall within the compass of § 523(a)(6).

Furthermore, the Petitioner fails to cite legal authority to support his argument that the First Circuit's decision regarding discharge pursuant to 11 U.S.C. § 523(a)(6) conflicts with other Federal and State court interpretations of Federal Law.

CONCLUSION

The Petition for a Writ of Certiorari should be denied.

Respectfully Submitted,

JAMES R. DeGIACOMO
Counsel of Record
MARK G. DeGIACOMO
JACQUELINE F. WALSH
Roche, Carens & DeGiacomo, P.C.
99 High Street
Boston, MA 02110
(617)451-9300
Counsel for the Respondent